

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

vs.

**TIMOTHY WAYNE SEABURY,
Defendant.**

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Criminal Action No. 10-00273-KD-C

ORDER

This matter is before the Court on the Defendant's Motion for Reconsideration of the Court's February 8, 2011 Order¹ disqualifying counsel (Doc. 78) and the Government's Response (Doc. 86).

"Although no statute or rule expressly provides for the filing of a motion for reconsideration in criminal cases, federal district courts necessarily have substantial discretion in ruling on motions for reconsideration. The appropriate grounds for granting reconsideration include: (1) an intervening change in controlling law; (2) the availability of new evidence; and (3) the need to correct clear error or manifest injustice." United States v. Mason, 2008 WL 1882255, 1 (M.D.Fla. April 24, 2008) (internal quotations and citations omitted).

For the reasons stated in the Government's Response, it is **ORDERED** that Defendant's Motion for Reconsideration (Doc. 78) is **DENIED**.

DONE and ORDERED this the **18th** day of **March 2011**.

/s/ Kristi K. Dubose

KRISTI K. DUBOSE

UNITED STATES DISTRICT JUDGE

¹ (Doc. 66).